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MISCELLANY.

THE ETHICS OF THE DECLARATION OF INDEPENDENCE.

ON the face of it, the Declaration is a strongly purposive document which the results of the century past will in the main be held to have justified.

Ethically considered, the Declaration makes pretence to the statement of four principles, which are, in order, the principle of equality, the principle of government by consent, the principle of independence, and the principle of prudence.

“Prudence will dictate that governments, long established, should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.” But the principle of independence will dictate that, “when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.” These principles are, perhaps, too well recognized in theory to require comment. Also evident is it that life, liberty, and the pursuit of happiness are unalienable: one cannot transfer his own nor receive another’s. At the most the despot can but destroy them. If secured or perpetuated to any one, it can only be to the individual who possesses them already. To secure them, “governments are instituted among men, deriving their just powers from the consent

of the governed." That is, according to the Declaration, government is a common act whereto many individuals agree, and have a rightful voice by reason of their equality: which leads us to the first and altogether the most remarkable principle enunciated, "that all men are created equal." And this principle is the real ethical groundwork of the Declaration.

To most minds, or to a well-constituted perception at least, it would seem as if no truth could be more self-evident than that all men are created *un*-equal. On principles of causation we should also expect this to be so: for unequal conditions of parentage, birth, environment, rearing, and experience attend us all. Even allowing for the principle that plurality of causes may produce like effects, the results in the case of a numerous humanity must be various. In truth, the principle of singularity, of oddity, of numerical identity, combined with absolute idiosyncrasy, is the indelibly wrought character of every man.

Paying regard, then, only to the principle of absolute non-equality in man as expressing his true character, it is still in point to ask, What would be meant, as applied to men unequal in every particular and in total character, by the statement that "they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness?"

First, as to the right to life. If it be true that all men are unequal *in toto*, and unequal in every particular, it follows that the life which is a man's is likewise unequal to the life of any other. The life, therefore, to which he has a right is the peculiar, individual life which is his already. For, furthermore, life apart from individuals, that is from any individual, would be no life at all. There is no common boon of life, common as the air is common, externally to the individual. To get a taste of "life," in the vulgar sense, is to experience the things, fashions, activities, and amusements that are common. But life itself, being indi-

vidual to the person, a right to it can be clearly defined only as a right to be what one peculiarly is or may be.

Again, as to the rights to liberty and the pursuit of happiness. Each man being of unequalled nature, a right to liberty or the pursuit of happiness must likewise be defined as a right appertaining to that unequalled nature. Happiness indeed may be sought in common modes of living or possession. But the *pursuit*, or the bending of the active powers of the man toward an intended object, is a peculiarly personal and idiosyncratic process. And the right to it, as to liberty, can be defined clearly only as a right for what one peculiarly is or may be.

"To secure these rights," the Declaration proceeds, "governments are instituted among men." By implication, therefore, government is not for the purpose of securing happiness directly, nor good for the greatest number directly, for, furthermore, it would violate the principle of unalienable rights, for government, for any man or set of men, to dictate or assume to judge what is good or happiness for any other man or set of men. The security of personal life, liberty, and pursuits is then its first aim. It is needless to remark here upon the fact that laws affecting conduct, which at first sight would seem to transgress this principle and abridge the rights of individuals, have for their real object the better security of those rights.

Government, or a method of treatment to secure those rights, includes conversely the right of every man to be treated as a peculiar and individual entity. And at this point, though having started out with a principle apparently anomalous to the Declaration, we penetrate to the very core of its purpose, for it is every man—that is, all men equally—to whom belongs the right to be treated each as an absolutely unequalled entity, the inwardness of whose personality is a mystery alike inviolable and beyond our ken. To make use of a paradox, all men are equal, because no two are equal; all are equally unequal, equal

only by reason of the prevalence of this universal principle of non-equality. Were two or any number really equal then there would be a basis of classification whereby the inequality of the remainder might be distinguished. But classifications and class distinctions as applied to men, every soul of whom is in essence an original classifier, are but as scales that fall from him, and fade into insignificance before the miracle of his being. The tremendous ethical import of the Declaration is that in effect it sets up the strictly and peculiar character of prince and commoner alike, and even of the fool, as a sacred object to which all customs and traditions, all accessory marks and distinctions of power and possession, must of right give place.

When the representatives in Congress declared "that all men are created equal," it is doubtful if the true ground of the Declaration was defined, defined at least in a manner clearly obvious to all. It was the dictum of profound judgment, no doubt, but under exigent circumstances. The leaders had felt the break with England coming; they had anticipated the form the opposition would take; their attitude on this occasion was the frequent attitude of reformers who, long speechless victims, feeling rather than defining the wrongs they suffer, gradually have come to the full consciousness that the remedy lies solely in the overthrow of existing systems, and, finally, with the determined purpose to accomplish the revolution at all hazards, are ever wont to rest in justification of their action on a basis of principles affirmed to be patent to the knowledge of all men in the exercise of right reason. The principle of equality was affirmed instinctively rather than philosophically, and their declaration of it was creative rather than explanatory. They hit upon it as the principle needed to justify their end, rather than justified it or deduced their purpose from it. Certainly, they could not claim independence on the ground of superiority to England, though the latter claimed it over them. But they happily escaped the error of small minds, which is to adopt the tactics of

the enemy, and so, in the very act of opposing them, virtually to succumb to their methods. As the basis of an independent movement, they fortunately hit upon an independent principle, whose success was a distinct advance in the evolution of government. They could claim equality with their English brethren without shocking the intelligence of the world, and probably the real principle which justified America to civilized Europe, and, aside from considerations of policy, gained for her recognition abroad, was the conclusion which followed from the declaration of her *equality with England*, rather than the deeper principle of universal equality as applied to all persons whatsoever.

That the conception of the equality of men had not ripened into the perception of the real ground of that equality, at least in popular knowledge, is further evidenced by the fact that the principle was held in abeyance for nearly a century, while the essential manhood of an enslaved race was denied recognition. And though civil statutes of to-day recognize it, the principle of equality has hardly as yet penetrated the confines of the body social, wherein the injustice done it is of a more insidious description, which statutory remedies are inadequate to cure. Much less has it found its way to its final vantage place among the common ethical motives which govern the daily conduct of men toward men—a condition of things which Utopian schemes of universal benefactions will do well to consider. But the revolutionists, feeling the injury of unequal treatment, were driven by circumstances to adopt a conception of mankind in accordance with which the evil might be abolished. Here the conception of equality, being *for the purpose of treatment*, presented no difficulty; it meant the equal rights, privileges, protection, justice, and liberty to which, as compared with English subjects, they felt themselves entitled. The equalities and inequalities of the time were those of caste. To be equal with another meant to be treated with the same consideration, and, conversely, to have equal station and rank was

practically to be equal. This latter view is probably the nearest approach we can make to the spirit of the prime dictum of the Declaration, and its correctness is confirmed by the fact that the representatives of the colonies were met with the avowed purpose of considering principles of government. The whole instrument is, therefore, to be interpreted in the light of that purpose which at the time eclipsed all others. For the purpose of government it was that men were equal, that is, though they be not equal at all, yet are they to be governed with equality.

Recalling now the ethical ground of this principle of equality, which makes it eternally a true one, that every person is a unique and unequalled entity, we may see how the very fact of inequality in persons gives rise to the principle of equality of treatment, the rights to life, liberty, and the pursuit of happiness being admitted as defined at the outset without discussion. For, without knowing fully what you are, I desire to treat you with respect to these rights. Beyond the qualities which are evident, I know that you are an individual whose personality is an inscrutable mystery. However deeply I sympathize with you, or however shrewdly I diagnose you or, as they say, "size you up," nevertheless if I treat you according to my summation of your qualities only, I do you the basest injustice, and deal with you as an inferior thing, which my knowledge comprehends and is superior to. But the character of a man and my knowledge of him can be proportioned only as a surd to another quantity. If I treat a man according to my comprehension of him only, how do I know that I am not trespassing upon his right of life, liberty, or pursuits? How can I avoid thus trespassing, but by making it a universal principle of conduct to accord to every man that treatment which has regard also for the individual *inequality* of his nature? It results, therefore, that, although all differ and are unequal, yet in one transcendent respect I am, if I admit these rights, ethically

bound to treat all *as* equal, compassing no limitation nor detriment to life, liberty, or the pursuit of happiness.

So much in exposition of the ethical basis of the Declaration. I attempt no argument in its favor, believing that, however imperfectly legislation may embody it, the principle involved will not fail ever to commend itself to the intelligent judgment of a free people.

R. M. BLACK.